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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,350	10/31/2000	Raymond E. Suorsa	033048-025	8639
21839	7590	06/08/2005	EXAMINER	
BURNS DOANE SWECKER & MATHIS L L P POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			PATEL, NITIN C	
			ART UNIT	PAPER NUMBER
			2116	

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/699,350	SUORSA, RAYMOND E.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nitin C. Patel	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 May 2005.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-28 is/are pending in the application.  
 4a) Of the above claim(s) - is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-28 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 10 October 2000 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \*    c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

1. This is in responsive to amendment filed on 9 May 2005.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

2. Claims 1, 6 – 17, and 21 – 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malik et. al. [hereinafter as Malik], US Patent 5,832,503, and further in view of Suzuki et al. [hereinafter as Suzuki], US Patent 6,816,964 B1.
3. As to claims 1, and 17, Malik teaches a method and apparatus for model-based configuration management for automatically configuring a plurality of network devices having different respective sets of software and operating parameters to enable to perform predetermined operations with a database of models storing each model representing associated network device including attribute values for the parameters of devices and reconfiguring the associated network devices by loading new

configurations to devices on network [abstract, col. 1, lines 6 – 13, 25 – 28, col. 2, lines 1 – 36, col. 8, lines 3 – 8, 27 – 36, 61 – 67, col. 9, lines 1 – 6].

However, Malik does not use teach to use agent installed on each device which has ability to manipulate operating parameters of software component installed on said devices.

Suzuki teaches a system and method for remotely installing program [software] automatically into client by server with downloaded agent into client by referring to the managing record of install execution state of client and execution control information.

It would have been obvious to one of ordinary skill in art, having the teachings of Malik and Suzuki before him at the time of invention was made, to modify the configuration management system disclosed by Malik to include a agent to implement the installation into device by refereeing to the managing record and execution control information as taught by Suzuki in order to obtain improved configuration management system with updating of the managing record, the server can know the progressive state of installation and server can execute the centralized management so that errors and troubles can be properly dealt with to provide highly reliable environment [col. 1, lines 66 – 67, col. 2, lines 61 – 65].

4. As to claim 6, Malik teaches to recognize [by capturing] a change in configuration [actual attributes/values] in one of the devices, and modifying [updating] model in accordance with the change [by loading attributes] [col. 3, lines 48 – 67, col. 4, lines 1-9].

5. As to claim 7, Suzuki teaches sending message [by transmit section] to all other devices of same type, which causes agents in other devices to reconfigure in accordance with change in model [col. 5, lines 4 – 33].
6. As to claim 8, Suzuki discloses a server [100] with transmit section [15] for sending the messages from server database to devices which cause agents to retrieve software component from a source external to device and install on the device [col. 10, lines 10 – 28].
7. As to claims 9, and 21, Malik discloses a database models and storing model-based configuration with software component for each device representing an associated device with classified into multiple roles with different categories of software [fig.2-6].
8. As to claims 10, and 22, Malik teaches the categories of software with probable frequency with which they are likely to be changed during the service lifetime [fig. 2 – 6].
9. As to claims 11 – 14, and 23 – 26, Malik discloses a database models and storing model-based configuration with software component for a plurality of network devices configured as routers, bridges, hubs, server therefore he teaches multiple roles to perform predetermined operations with a database of models storing each model representing associated network device [abstract, col. 1, lines 6 – 13, 25 – 28, col. 2, lines 1 – 36, col. 8, lines 3 – 8, 27 – 36, 61 – 67, col. 9, lines 1 – 6].
10. As to claims 15, and 27, Suzuki teaches transmitting a message containing a first command to update device [to update client], and awaiting [server] for a report [install execution state returned to server] from the device [client] [col. 3, lines 43 – 59].

11. As to claims 16, and 28, Malik teaches an agent with a level of authority [by managing record and referring installation execution state of device] that enables them to manipulate operating system software installed on devices [col. 4, lines 7 – 21].

12. Claims 2 – 5, and 18 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et. Al. [hereinafter as Lewis], US Patent 6,421,719 B1, and further in view of Suzuki et al. [hereinafter as Suzuki], US Patent 6,816,964 B1 as applied to claims 1, and 17 above, and further in view of Lewis et. Al. [hereinafter as Lewis], US Patent 6,421,719 B1.

13. As to claim 2, Malik \_503 teaches a method and apparatus for model-based configuration management for automatically configuring a plurality of network devices having different respective sets of software and operating parameters to enable to perform predetermined operations with a database of models storing each model representing associated network device including attribute values for the parameters of devices and reconfiguring the associated network devices by loading new configurations to devices on network [abstract, col. 1, lines 6 – 13, 25 – 28, col. 2, lines 1 – 36, col. 8, lines 3 – 8, 27 – 36, 61 – 67, col. 9, lines 1 – 6].

Suzuki teaches a system and method for remotely installing program [software] automatically into client by server with downloaded agent into client by referring to the managing record of install execution state of client and execution control information.

Neither Malik nor Suzuki teaches sending messages from database to devices associated with model to cause agents in device to reconfigure software components in accordance with the change in the model.

Lewis teaches system and method for an automatic configuration management of network devices [servers, routers, switches, hubs, bridges, col. 1, lines 29 - 31] to reconfigure operating parameters [software components] of the network device associated with model to cause agents in device to reconfigure from database [col. 6, lines 5 – 19][col. 6, lines 61 – 67, col. 6, lines 1 – 67, col. 7, lines 41 – 67, col. 8, lines 1 – 7, col. 10, lines 28 – 46].

It would have been obvious to one of ordinary skill in art, having the teachings of Malik, Suzuki, and Lewis before him at the time of invention was made, to modify the configuration management system disclosed by Malik to include a agent to implement the installation into device by refereeing to the managing record and execution control information as taught by Suzuki and reconfigure operating parameters [software components] of the network device associated with model to cause agents in device to reconfigure from database as taught by Lewis in order to obtain improved configuration management system with updating of the managing record, the server can know the progressive state of installation and server can execute the centralized management so that errors and troubles can be properly dealt with to provide highly reliable environment [col. 1, lines 66 – 67, col. 2, lines 61 – 65] and improved performance based upon an evaluation of a network performance characteristic [col. 4, lines 1 – 3].

14. As to claims 3, and 18, Lewis teaches message transmission by means of gateway [virtual network machine] that provides an interface between the database [NMS network management system 102] and the devices [network entities] and

converting [changing] messages from first protocol associated with the database to a second protocol employed by devices [col. 6, lines 34 – 67].

15. As to claims 4 – 5, and 19 – 20, Lewis discloses remotely accessing network devices with SNMP protocols [col. 2, lines 1 – 8, col. 5, lines 5 – 9] therefore he teaches remote procedure calls [RPC] and XML-RPC too.

16. **Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

17. **Prior Art not relied upon:** Please refer to the references listed in attached PTO-892, which, are not relied upon for claim rejection since these references are relevant to the claimed invention.

#### ***Response to Arguments***

18. Applicant's arguments with respect to claims 1 - 28 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin C. Patel whose telephone number is 571-272-3675. The examiner can normally be reached on 6:45 am - 5:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on 571-272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LYNNE H. BROWNE  
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Nitin C. Patel  
June 2, 2005